

IN THE DRAWINGS:

Please add the following label to FIG. 1 of the drawings:

"PRIOR ART."

REMARKS

In accordance with the foregoing, the title and specification of the present invention have been amended. Claims 1-5 have also been amended. Claims 1-5 are pending and under consideration.

On page 2 of the Office Action, the Examiner objected to the specification. In particular, the Examiner indicated that "TO WHOM IT MAY CONCERN" is not part of the specification. Applicants have amended the specification to delete the phrase. Therefore, withdrawal of the objection is respectfully requested.

The Examiner objected to the title of the invention, as allegedly being too long. Applicants have amended the title of the invention. Therefore, withdrawal of the objection is respectfully requested.

The Examiner objected to FIG. 1 and required Applicants to submit a replacement drawing sheet on which FIG. 1 is marked with the label, "PRIOR ART." Applicants have submitted herewith a replacement drawing sheet including FIG. 1 marked with the label, "PRIOR ART." Withdrawal of the objection is respectfully requested.

On pages 2-3, claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,008,935 (Fujita).

Fujita is directed to an optical amplifier for use in optical communication and optical information processing. More specifically, Fujita discloses, "an optical amplifier capable of correctly calculating a noise figure by precisely measuring signal light power and spontaneous emission power from the output light of the optical amplifier." See Fujita, column 2, lines 6-10. According to Fujita, the optical amplifier includes an optical splitter for branching part of the amplified signal light and for outputting a branched amplified light signal, a tunable wavelength filter for transmitting a component of a specific wavelength of the light branched by the optical splitter, a sweeper for sweeping the transmission wavelength of the tunable wavelength filter within a specific wavelength range, and a photo detector for receiving a transmission light and for converting the transmission light into an electric signal. See Fujita, column 2, lines 11-21.

In at least one embodiment, the present invention is characterized in that it has not only "a specific wavelength measuring unit that measures the light power of photo signals of a specific wavelength at a measuring point" but also "a total power measuring unit that measures the light power of said photo signals of all wavelengths at said measuring point," which allows

the optical amplifying apparatus to determine the total intensity of the incoming light signal, and to determine change in the number of wavelengths.

Applicants respectfully submit that independent claim 1 is patentable over Fujita, as Fujita does not disclose or teach an optical amplifier including "a total power measuring unit that measures the light power of said photo signals of all wavelengths at said measuring point", and as a result, cannot determine the change in the number of wavelengths.

Fujita discloses, "an optical amplifier capable of correctly calculating a noise figure by precisely measuring signal light power and spontaneous emission power from the output light of the optical amplifier." See Fujitsu, column 2, lines 6-10. In contrast to the present invention, the optical amplifier of Fujitsu does not include, "a total power measuring unit that measures the light power of said photo signals of all wavelengths at said measuring point," and as a result, cannot determine the change in the number of wavelengths. Rather, the optical amplifier of Fujita merely amplifies signals.

The Examiner asserts in the Office Action that the photo detector 50 of Fujita corresponds to "a total power measuring unit that measures the light power of said photo signals of all wavelengths at said measuring point." See Office Action, paragraph 5. However, the photo detector 50 simply "receives the transmitted light from the tunable wavelength filter 30 and converts the transmitted light into an electric signal", and does not "measure the light power of said photo signals of all wavelengths," as identified by the language of independent claim 1 of the present invention.

Therefore, independent claim 1 of the present invention is patentable over Fujita. As dependent claims 2-5 depend from independent claim 1, the dependent claims are patentable over Fujita for at least the reasons presented above for the independent claims.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after the response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

5/9/06

By:

Reginald D. Lucas
Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501